

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, *et al.*,

Plaintiff,

v.

UNITED STATES OFFICE OF
PERSONNEL MANAGEMENT, *et al.*,

Defendants.

Case No. 3:25-cv-1780-WHA

DECLARATION OF THOMAS NAGY

Pursuant to 28 U.S.C. § 1746, I, Thomas Nagy, Jr., declare as follows:

1. I am the Deputy Assistant Secretary for Human Resources/Chief Human Capital Officer, United States Department of Health and Human Services (“HHS” or “Department”) headquartered in Washington, D.C. I make this declaration based on my own personal knowledge and information provided to me by the Department’s Human Resources Office.

2. I have served in this position since March 17, 2025. In my role at HHS, I am responsible for personnel management. I have the responsibility for overseeing the personnel enterprise for the Department.

3. I have received and read the May 15, 2025, Notice of Letter to Court and Request for Information.

4. To comply with Paragraph 4 of the Court’s April 18, 2025 Preliminary Injunction Order, HHS sent written notices to all probationary employees who received a notice of termination that was based on the Office of Personnel Management (“OPM”) template termination

letter provided by OPM. The written notices stated that each employee's termination was not performance or fitness-based but was made as part of a government-wide mass termination.

5. Although my May 6, 2025, declaration—submitted as part of HHS's compliance with the Court's April 18, 2025 Preliminary Injunction Order—stated that HHS would send these written notices by work or personal email, HHS changed to mailing the written notices by USPS mail. This is because some probationary employees, including those employees mentioned in the Court's May 15, 2025 Notice, had their access to their official work email address deactivated. Because HHS does not have access to personal email addresses for all of the impacted employees, I made the decision to expedite the delivery of the letters via USPS mail. Although some employees may have also received a copy of the written notice by email, the official notice was only sent by USPS mail to all the probationary employees covered by Paragraph 4 of the Preliminary Injunction Order, including those employees mentioned in the Court's May 15, 2025 Notice.

6. This change to mailing all of the written notices by USPS mail rather than by work or personal email was not communicated to either outside or HHS agency counsel at the time that the change was made.

7. Accordingly, HHS mailed written notices by USPS first class mail to all probationary employees listed in the letter attached to Judge Alsup's May 15, 2025 Notice as detailed below. There was no delivery confirmation requested when HHS mailed the written notices.

8. A written notice was sent by USPS mail to [REDACTED] [REDACTED] stating that the termination was not performance or fitness-based, but was made as part of a government-wide mass termination. This written notice was sent on May 8, 2025.

9. A written notice was sent by USPS mail to [REDACTED] [REDACTED] stating that the termination was not performance or fitness-based, but was made as part of a government-wide mass termination. This written notice was sent on May 8, 2025.

10. A written notice was sent by USPS mail to [REDACTED] [REDACTED] stating that the termination was not performance or fitness-based, but was made as part of a government-wide mass termination. This written notice was sent on May 8, 2025.

11. A written notice was sent by USPS mail to [REDACTED] [REDACTED] stating that the termination was not performance or fitness-based, but was made as part of a government-wide mass termination. This written notice was sent on May 8, 2025.

12. A written notice was sent by USPS mail to [REDACTED] [REDACTED] stating that the termination was not performance or fitness-based, but was made as part of a government-wide mass termination. This written notice was sent on May 8, 2025.

13. A written notice was sent by USPS mail to [REDACTED] [REDACTED] stating that the termination was not performance or fitness-based, but was made as part of a government-wide mass termination. This written notice was sent on May 8, 2025.

14. A written notice was sent by USPS mail to [REDACTED] [REDACTED] stating that the termination was not performance or fitness-based, but was made as part of a government-wide mass termination. This written notice was sent on May 8, 2025.

15. A written notice was sent by USPS mail to [REDACTED] [REDACTED] stating that the termination was not performance or fitness-based, but was made as part of a government-wide mass termination. This written notice was sent on May 8, 2025.

16. A written notice was sent by USPS mail to [REDACTED] [REDACTED] stating that the termination was not performance or fitness-based, but was made as part of a government-wide mass termination. This written notice was sent on May 8, 2025.

17. A written notice was sent by USPS mail to [REDACTED] [REDACTED],¹ stating that the termination was not performance or fitness-based, but was made as part of a government-wide mass termination. This written notice was sent on May 8, 2025.

18. A written notice was sent by USPS mail to [REDACTED] [REDACTED] [REDACTED] stating that the termination was not performance or fitness-based, but was made as part of a government-wide mass termination. This written notice was sent on May 8, 2025.

19. A written notice was sent by USPS mail to [REDACTED] [REDACTED] stating that the termination was not performance or fitness-based, but was made as part of a government-wide mass termination. This written notice was sent on May 8, 2025.

20. A written notice was sent by USPS mail to [REDACTED] [REDACTED] stating that the termination was not performance or fitness-based, but was made as part of a government-wide mass termination. This written notice was sent on May 8, 2025.

21. A written notice was sent by USPS mail to [REDACTED] [REDACTED] stating that the termination was not performance or fitness-based, but was made as part of a government-wide mass termination. This written notice was sent on May 8, 2025.

22. A written notice was sent by USPS mail to [REDACTED] [REDACTED] stating that the termination was not performance or fitness-based, but was made as part of a government-wide mass termination. This written notice was sent on May 8, 2025.

¹ [REDACTED] [REDACTED] is listed twice in the letter attached to Judge Alsup's May 15, 2025 Notice.

23. A written notice was sent by USPS mail to [REDACTED] [REDACTED] stating that the termination was not performance or fitness-based, but was made as part of a government-wide mass termination. This written notice was sent on May 8, 2025.

24. A written notice was sent by USPS mail to [REDACTED] [REDACTED] stating that the termination was not performance or fitness-based, but was made as part of a government-wide mass termination. This written notice was sent on May 8, 2025.

25. A written notice was sent by USPS mail to [REDACTED] [REDACTED] stating that the termination was not performance or fitness-based, but was made as part of a government-wide mass termination. This written notice was sent on May 8, 2025.

26. A written notice was sent by USPS mail to [REDACTED] [REDACTED] [REDACTED]² stating that the termination was not performance or fitness-based, but was made as part of a government-wide mass termination. This written notice was sent on May 8, 2025.

27. A written notice was sent by USPS mail to [REDACTED] [REDACTED] [REDACTED] stating that the termination was not performance or fitness-based, but was made as part of a government-wide mass termination. This written notice was sent on May 8, 2025.

28. A written notice was sent by USPS mail to [REDACTED] [REDACTED] MPH, stating that the termination was not performance or fitness-based, but was made as part of a government-wide mass termination. This written notice was sent on May 8, 2025.

29. A written notice was sent by USPS mail to [REDACTED] [REDACTED] [REDACTED] stating that the termination was not performance or fitness-based, but was made as part of a government-wide mass termination. This written notice was sent on May 8, 2025.

² [REDACTED] [REDACTED] [REDACTED] is listed twice in the letter attached to Judge Alsup's May 15, 2025 Notice.

30. A written notice was sent by USPS mail to [REDACTED] [REDACTED] stating that the termination was not performance or fitness-based, but was made as part of a government-wide mass termination. This written notice was sent on May 8, 2025.

31. A written notice was sent by USPS mail to [REDACTED] [REDACTED] stating that the termination was not performance or fitness-based, but was made as part of a government-wide mass termination. This written notice was sent on May 8, 2025.

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34. A written notice was sent by USPS mail to [REDACTED] [REDACTED] stating that the termination was not performance or fitness-based, but was made as part of a government-wide mass termination. This written notice was sent on May 8, 2025.

35. A written notice was sent by USPS mail to [REDACTED] [REDACTED] stating that the termination was not performance or fitness-based, but was made as part of a government-wide mass termination. This written notice was sent on May 8, 2025.

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41. A written notice was sent by USPS mail to [REDACTED] [REDACTED] [REDACTED] stating that the termination was not performance or fitness-based, but was made as part of a government-wide mass termination. This written notice was sent on May 8, 2025.

42. A written notice was sent by USPS mail to [REDACTED] [REDACTED] stating that the termination was not performance or fitness-based, but was made as part of a government-wide mass termination. This written notice was sent on May 8, 2025.

43. A written notice was sent by USPS mail to [REDACTED] [REDACTED]³ stating that the termination was not performance or fitness-based, but was made as part of a government-wide mass termination. This written notice was sent on May 8, 2025.

³ [REDACTED] [REDACTED] is listed twice in the letter attached to Judge Alsup's May 15, 2025 Notice.

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48. A written notice was sent by USPS mail to [REDACTED] [REDACTED] stating that the termination was not performance or fitness-based, but was made as part of a government-wide mass termination. This written notice was sent on May 8, 2025.

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52. A written notice was sent by USPS mail to [REDACTED] [REDACTED] [REDACTED] stating that the termination was not performance or fitness-based, but was made as part of a government-wide mass termination. This written notice was sent on May 8, 2025.

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57. A written notice was sent by USPS mail to [REDACTED] [REDACTED],⁴ stating that the termination was not performance or fitness-based, but was made as part of a government-wide mass termination. This written notice was sent on May 8, 2025.

⁴ [REDACTED] [REDACTED] is listed twice in the letter attached to Judge Alsup's May 15, 2025 Notice.

58. A written notice was sent by USPS mail to [REDACTED] [REDACTED] [REDACTED] stating that the termination was not performance or fitness-based, but was made as part of a government-wide mass termination. This written notice was sent on May 8, 2025.

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⁵ [REDACTED] [REDACTED] is listed twice in the letter attached to Judge Alsup's May 15, 2025 Notice.

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124. A written notice was sent by USPS mail to [REDACTED] [REDACTED] stating that the termination was not performance or fitness-based, but was made as part of a government-wide mass termination. This written notice was sent on May 8, 2025.

125. A written notice was sent by USPS mail to [REDACTED] [REDACTED] stating that the termination was not performance or fitness-based, but was made as part of a government-wide mass termination. This written notice was sent on May 8, 2025.

126. A written notice was sent by USPS mail to [REDACTED] [REDACTED] stating that the termination was not performance or fitness-based, but was made as part of a government-wide mass termination. This written notice was sent on May 8, 2025.

127. A written notice was sent by USPS mail to [REDACTED] [REDACTED] - [REDACTED] stating that the termination was not performance or fitness-based, but was made as part of a government-wide mass termination. This written notice was sent on May 8, 2025.

128. A written notice was sent by USPS mail to [REDACTED] [REDACTED] stating that the termination was not performance or fitness-based, but was made as part of a government-wide mass termination. This written notice was sent on May 8, 2025.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 22, 2025

THOMAS J.
NAGY JR -S
Thomas Nagy, Jr.

Digitally signed by
THOMAS J. NAGY JR -S
Date: 2025.05.22
10:36:45 -04'00'